

VZCZCXRO2437  
PP RUEHCHI RUEHDT RUEHHM RUEHNH  
DE RUEHKL #0200/01 0840523  
ZNR UUUUU ZZH  
P 240523Z MAR 08  
FM AMEMBASSY KUALA LUMPUR  
TO RUEHC/SECSTATE WASHDC PRIORITY 0736  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS SECTION 01 OF 03 KUALA LUMPUR 000200

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STATE FOR EAP/MTS, EAP/RSP AND G/TIP

E.O. 12958: N/A  
TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KCRM](#) [MY](#)  
SUBJECT: G/TIP REPORTING OFFICER VISITS MALAYSIA

REF: A. KUALA LUMPUR 97 - MATTAR DISCUSSES NEW TIP LAW  
[1](#)B. KUALA LUMPUR 52 - SEEK U.S. SPEAKERS ON TIP  
[1](#)C. 07 KUALA LUMPUR 1731 - CATHOLIC CHURCH ANTI-TIP  
EFFORTS  
[1](#)D. 07 KUALA LUMPUR 1730 - TIP ACTION PLAN DELIVERED  
TO MALAYSIA

Summary  
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[1](#)1. (SBU) G/TIP reporting officer Sally Neumann visited Malaysia from February 11-13, during which she met with Government of Malaysia (GOM) officials and representatives from civil society, including representatives from the Catholic Church in East Malaysia. The meetings were fruitful, providing us with new information regarding the GOM and civil society's efforts to combat trafficking. The new National Anti-trafficking Council and responsible government ministries are fully engaged in preparing to implement the law. GOM officials emphasized combating TIP was a priority and provided examples of the efforts already taken by the GOM. Neumann met with representatives from the Catholic Church in East Malaysia. The Church continues to assist NGOs and diplomatic missions shelter and repatriate rescued TIP victims, including coordinating reception of victims by Church representatives in victims' home countries for follow-up assistance. Neumann visited shelters run by the Indonesian Embassy and the local NGO, Women's Aid Organization (WAO). Both admit trafficking victims to their shelters. Neumann's visit illustrates GOM and civil society commitment to confront TIP in Malaysia. Post will continue to pursue opportunities to work with civil society and GOM to advance on-going efforts to fight trafficking and implement the new anti-TIP law. Subsequent to Neumann's visit, GOM put the anti-TIP law into force on February 28, including the opening of two government-operated TIP victims' shelters. End Summary.

GOM Says TIP a Priority  
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[1](#)2. (SBU) On 12 February, Neumann met with representatives from the key ministries sitting on Malaysia's new National Anti-trafficking Council. Undersecretary Bala Chandran from the Ministry of Foreign Affairs chaired the meeting; other ministries represented were the Women's Ministry, Ministry for Internal Security (MIS), Ministry for Home Affairs, Attorney General's Chambers, and the Royal Malaysian Police. Bala Chandran was very interested in USG views on trafficking for labor, specifically if we distinguished between labor trafficking and labor contract disputes. He stated the GOM's position regarding migrant workers with contract problems was that such issues could often be resolved via labor dispute procedures rather than using the TIP law. Neumann pointed out that the USG also recognized distinctions between labor dispute and trafficking, but that egregious cases of

exploitation including debt bondage, contract switching, physical and sexual abuse, and involuntary servitude were criminally prosecuted in the U.S. Neumann provided the members of the Anti-Trafficking Council copies of the USDOJ produced report on anti-trafficking efforts in the U.S. that included statistics and information concerning labor trafficking cases.

13. (SBU) Bala Chandran stated combating TIP is a priority for the GOM. He pointed to the rapid drafting, adoption, and gazetting of Malaysia's new anti-TIP law within a span of less than six months. Bala Chandran addressed the efforts the GOM undertook since the law's passage to implement it. He highlighted three meetings held by the newly formed National Anti-TIP Council, which is reviewing administrative procedures necessary for implementing the law. The Council established three committees, covering legislation, law enforcement, and protection and prevention to address the specific requirements for each element of the new law. The committees' responsibilities include developing standard operating procedures and processes. Bala Chandran reported the committees are in the last stages of making the law operational. He also reiterated GOM's intent to accede to the United Nation's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. To this effect, the Ministry of Internal Security will deliver recommendations to the Cabinet recommending acceding to the protocols.

14. (SBU) Bala Chandran addressed the status of GOM's TIP victim shelters, indicating the Women's Ministry made major progress towards making the initial two shelters operational. The Ministry's shelters both have a 45-person capacity, with one shelter designated for woman and the other for children.

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The Women's Ministry announced it is planning six more shelters throughout Malaysia. (Note: The Anti-TIP law went into force on February 28, including the opening of two government-operated TIP victims' shelters. End note.)

GOM uses penal code as a stopgap  
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15. (SBU) Bala Chandran presented to Neumann various actions taken by GOM utilizing the penal code, Emergency Ordinance (EO), and Restrictive Residence Act (RR) to combat trafficking. He said the Attorney General's Chambers uses the EO and RR to confine known and suspected traffickers when police and prosecutors lacked enough evidence for a conviction. In 2007, GOM confined 55 traffickers under EO (21) and RR (34). (Comment: One of the Malaysian Royal Police's (RMP) major weakness is its low proficiency for collecting and managing evidence. Often, both police and prosecutors depend on eyewitness testimony, rather than physical evidence, to win a conviction. Post is working with the RMP to provide training that increases evidence collection and management skills. End comment.)

SUHAKAM Active on the National Council  
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16. (SBU) On 11 February, Neumann met with Rafidah binti Yahya, a Principal Assistant Secretary for Malaysia's Human Rights Commission, SUHAKAM. During the meeting, Rafidah outlined SUHAKAM's role on the National Anti-TIP Council. SUHAKAM is the first of up to three NGOs that can sit as a full member on the council. SUHAKAM developed the draft national action plan, which is being reviewed by the MIS for adoption. As part a national campaign, SUHAKAM is developing methods to increase public awareness of trafficking and increase Malaysia's involvement with regional efforts to confront TIP. She also informed Neumann about ongoing training efforts sponsored by SUHAKAM, such as workshops on trafficking and human rights for government agencies.

Rafidah pointed out SUHAKAM's 2007 human rights report included trafficking for the first time.

#### Meeting With Catholic Church in Sabah

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17. (SBU) On February 13, Neumann met with representatives of the Catholic Church in the East Malaysian state of Sabah. Leading the delegation was Dominic Lim, Coordinator for the Diocese's Human Development Committee and Sr. Josephine, Program Manager for the Sisters of the Good Shepherd. The Good Shepherds regularly work with NGOs and diplomatic missions to assist victims during repatriation. Sr. Josephine described how they provide temporary shelter for victims in Malaysia and coordinate with members of their order in the victim's home country to assist victims upon their return with a range of services, including shelter and counseling. Dominic Lim is the point of contact for a G/TIP recommended project through the International Catholic Migration Commission covering Sabah and the Indonesia's West Kalimantan. He discussed existing programs and strategies for increasing public awareness, including sponsoring the screening of TIP documentaries at private schools and other venues (reftel C).

#### Shelter Visits

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18. (SBU) Neumann visited shelters operated by the Indonesian Embassy and WAO on 11 February. The Indonesian shelter, located on the Embassy's compound, recently completed a series of renovations. The shelter's base capacity is 50 - 70 persons. When Neumann visited, there were 65 individuals, including two newborn babies, residing at the shelter. The shelter's population includes abused domestic workers, trafficking victims, and other Indonesian citizens needing help. Slamet Noegroho, Consular Officer for the Indonesian Embassy, explained lengths of stay varied for each person. For long-term cases, the embassy assists a person by providing jobs on the compound paying about \$160 USD (500 Ringgit) per month. The facility is segregated from the public. After the Embassy's public hours, shelter occupants have free access to the compound's grounds. The Embassy's senior liaison officer with the RMP, Setyo Wasisto, stated the RMP sometimes refers possible TIP victims to them for admittance into the shelter. Suspected TIP victims residing at the shelter during the visit included sexually exploited women and a minor aged 17 employed as a domestic worker.

19. (U) Neumann also visited a shelter run by WAO. Its focus

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is domestically battered women, but the shelter also accepts referred TIP victims. Neumann met with WAO Executive Director, Ivy Josiah (an IVLP alumnus) who explained WAO's mission and goals. In 2007, WAO provided shelter to eight domestic workers suspected to be TIP victims. She gave Neumann a case summary of a current shelter resident from Thailand or Burma suspected to be a TIP victim. She outlined the steps be made to identify the woman's home country and provide counseling.

#### Comment

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19. (SBU) Neumann's meetings with Malaysian officials and SUHAKAM provided a glimpse into the government's emerging efforts to combat trafficking. The GOM is pursuing a methodical approach as it prepares to implement the new anti-TIP law, which the GOM announced was fully enforced as of February 28. GOM agencies charged with implementing the TIP law recognize the gaps in technical expertise they have and are actively working to overcome them by seeking input from experts, reviewing international best practices, and seeing what neighboring countries like Thailand, Cambodia, and the Philippines are doing. Following Dr. Mattar's 27

January - 1 February program (reftel A), and Neumann's fruitful visit, we have expanded opportunities to provide information, training material and expertise in critical areas such as victim identification, victim shelter operation and management, and law enforcement and prosecution. Embassy Kuala Lumpur wants to work with the Department to make the most of these opportunities.

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